

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
TZVI WEISS, et al.,	:
	:
Plaintiffs,	: Case No. 05-cv-4622 (CPS)(KAM)
	:
-against-	:
	:
NATIONAL WESTMINSTER BANK, PLC,	:
	:
Defendant.	:
-----X	

STIPULATION AND ORDER

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, this Court in the above-captioned action ruled in its September 27, 2006 Memorandum Opinion that the first claim for relief, common law aiding and abetting, would be dismissed with leave to re-file;

NOW, THEREFORE, it is hereby stipulated that, for appellate purposes, the issues raised with respect to the first claim for relief, common law aiding and abetting, and ruled upon by the Court herein, shall be preserved for all purposes of appeal in the within action.

The parties further stipulate that the first claim for relief of the Fifth Amended Complaint in the within action is deemed dismissed without prejudice, with leave to re-file the claim consistent with any rulings the Court may enter in this case, or pursuant to any final appellate decision rendered in this case.

Dated: January 24, 2008

By: Joshua D. Glatter / AS
Gary M. Osen
Joshua D. Glatter
Osen & Associate, LLC
700 Kinderkamack Road
Oradell, New Jersey 07649
(201) 265-6400

Counsel for *Weiss* Plaintiffs

By: Lawrence B. Friedman / KEO
Lawrence B. Friedman
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006
(212) 225-2000

Counsel for Defendant

SO ORDERED BY THE COURT THIS ____ day of _____, 2008.

CHARLES P. SIFTON
United States District Judge